

Municipal Building  
Chattanooga, Tennessee  
February 4, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Distefano, Eaves, Hurley, Lively, Pierce, Rutherford and Swafford present; Councilman Crockett was absent due to personal commitment. City Attorney Randall Nelson and Council Clerk Carol O'Neal were also present.

INVOCATION

Councilman Swafford gave the invocation for the evening.

MINUTE APPROVAL

On motion of Councilman Distefano, seconded by Councilman Lively, the minutes of the previous meeting were approved as published and signed in open meeting.

CLOSURE AND ABANDONMENT POLICY

Ann Coulter, Executive Director of the Chattanooga-Hamilton County Planning Agency, stated at the moment there is a moratorium on right-of-way closures; that Planning would like to be able to take this policy as an approach to begin dealing with the moratorium. She stated the Council deals with somewhere in the neighborhood of fifty (50) right-of-way closures a year; that they found they spend a lot of time discussing these cases because they do not have a clear or consistent policy of dealing with these issues. She stated the policy recognizes that the public rights-of-way are just that -- public resources; that the policy provides how you can judge whether it is prudent to let go of that public resource.

Steve Leach of the Planning Agency distributed information and presented a slides presentation regarding the three Tiers of the policy that is being recommended. He explained that Tier 1 involves rights-of-way currently open and in use by the public; that it can either be an alley or a standard road. He indicated that these rights-of-way will not be closed unless a suitable replacement is provided.

CLOSURE AND ABANDONMENT POLICY  
(Cont'd.)

Mr. Leach stated **Tier 2** involves rights-of-way which are not currently open or only partially opened but provide a limited level of service to the abutting property owners or to utilities; that **Tier 3** right-of-way closures are those that are not currently opened or which have never been opened. He indicated using the applications which fall within Tiers 2 and 3 will be reviewed using the adopted review factors and according to the tenets of the policy. He made reference to the eight review factors contained within the information distributed that will be used in evaluating application, a copy of which is filed with minute material of this date. He stated provision has been made for expansion of businesses in the policy.

Councilman Distefano stated in developing Tiers 1 - 3 he noticed on the slides, areas that were open, used and maintained, as well as those that were not so well maintained. He asked if what we are proposing in this policy "dovetails" into whatever policies we have in regard to the city's cleaning and maintenance of rights-of-way.

Admin. Marcellis stated that he thinks we are consistent on this; that the city maintains one-third of the dedicated alleys and those folks who need access via the alley; that they are being maintained, graded and surface-treated.

Councilman Swafford asked if the alleys we close go to the person that it is being closed for; inquiring as to whether the applicant inherits that property.

Mr. Leach stated essentially that is correct; that as far as the land being divided they are not paying anyone for that land; that there are some exceptions. He stated the land will go back to the owner of the property and in a lot of cases it is split down the middle.

Councilman Distefano stated we have a couple of pending applications and asked whether this new policy will be imposed. Ms. Coulter responded "yes."

Chairman Hakeem stated there was some discussion because of scheduling due to next Monday's Planning meeting; that there is a desire to move this resolution forward from next week's agenda to this week's.

CLOSURE AND ABANDONMENT POLICY  
(Cont'd.)

Councilman Pierce inquired as to specifically why this needs to move forward. Chairman Hakeem explained that Planning needs to get action from us. City Attorney Nelson stated that the policy has not been adopted and should be referred to Planning. Ms. Coulter clarified that Planning has adopted the policy and is recommending it to the Council.

Councilman Swafford made the motion to move this resolution forward from next week's agenda, Councilman Distefano seconded the motion; the motion passed.

On motion of Councilman Pierce, seconded by Councilman Swafford,  
A RESOLUTION ADOPTING THE RIGHT-OF-WAY CLOSURE AND  
ABANDONMENT POLICY FOR THE CITY OF CHATTANOOGA  
was adopted.

REZONING

1996-286: Bobby G. & Emma L. Deal

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Pierce,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED AT 1030 AND 1034 COWART DRIVE, BEING  
ON THE SOUTHWEST LINE OF COWART DRIVE NORTHWEST OF  
HIGHWAY 153, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS

passed second reading. On motion of Councilman Swafford, seconded  
by Councilwoman Rutherford, the ordinance passed third and final  
reading and was signed in open meeting.

REZONING

1996-291: Suburban Construction, Inc.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Councilwoman Rutherford stated we deferred this for a drainage study to be done; that she has a letter from Tom Scott who is satisfied with the plan. She stated there was also a question about a twenty foot buffer rather than a ten foot buffer; that she, personally, is fine with the ten foot buffer.

Councilman Pierce inquired as to the question of the twenty foot buffer. Mr. Bennett stated what was originally called for was a twenty foot buffer area for landscaping, but it was determined a ten foot buffer would be sufficient to get enough plantings within the area.

Councilman Distefano asked if the Council needs to move forward on the revised version. City Attorney Nelson stated he was checking to see if the twenty feet has been changed to ten feet.

Mr. Bennett stated the site plan might need to be attached to the ordinance.

City Attorney Nelson stated we have adopted the landscape conditions which are attached to the ordinance; that he has changed it on the map, also.

Councilman Distefano inquired as to whether the Council approved the revised version last week. City Attorney Nelson responded that it will need to be approved tonight.

Councilwoman Rutherford made the motion to accept the revised version of this ordinance; Councilman Lively seconded the motion; the motion passed.

On motion of Councilman Lively, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5720 LEE HIGHWAY, BEING ON THE SOUTHEAST LINE OF LEE HIGHWAY AT AIKEN ROAD, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilman Swafford, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

Councilwoman Hurley stated she did not have an opportunity to talk with the Mayor about this and suggested that the matter be placed in Parks and Recreation Committee for review of the Memorial Auditorium Board, unless the Mayor wants to talk about it now.

Mayor Roberts indicated that he would reserve comment until the Committee meeting is held.

On motion of Councilwoman Hurley, seconded by Councilman Lively, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, SECTION 2-381, SO AS TO CHANGE THE REQUIREMENT FOR DIRECTOR EMERITUS ON THE AUDITORIUM BOARD FROM TWELVE (12) YEARS TO TWENTY (20) YEARS OF PRIOR SERVICE **was tabled for discussion in Parks and Recreation Committee.**

SOUTHERN STREET REDEVELOPMENT AREA

Councilman Distefano stated there were those here between the time we were presented this document from the Chattanooga Housing Authority (CHA) and Chattanooga Neighborhood Enterprise (CNE). He inquired as to whether everyone has "signed off" on this.

Mark Rudisill stated as far as the Chattanooga Housing Authority and Chattanooga Neighborhood Enterprise are concerned, CNE has agreed to fund \$200,000 for land acquisition, infrastructure and "soft" costs; that the amount does not involve any actual development which is something they are still refining. He stated they are concerned with getting the land acquisition "off the ground" and the area cleaned up.

Chairman Hakeem inquired as to the status of Ms. Humphrey's concern. Mr. Rudisill stated they will negotiate in "good faith;" that Ms. Humphrey will also have to negotiate in "good faith." He stated a provision has been added that will provide for possible alternatives for development of the property; that the Housing Authority Board did unanimously approve the plan. At this point he acknowledged the presence of Fred McClure (Board Chairman), Ann Wadley (Board member), Al Harris (CHA Executive Director) and the Planning Consultant.

Councilman Swafford asked for clarification as to whether passing this document would not have any effect on negotiations; that CHA will continue to resolve that issue. Mr. Rudisill responded "yes;" that the first thing is appraisal of the property and then negotiations will take place; that there is a mandated process they will have to follow.

SOUTHERN STREET REDEVELOPMENT AREA  
(Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman Distefano,  
A RESOLUTION APPROVING THE REDEVELOPMENT PLAN FOR THE  
SOUTHERN STREET REDEVELOPMENT AREA  
was adopted.

CONTRACT: C.W. MATTHEWS,  
CONTRACTING COMPANY, INC.

On motion of Councilman Lively, seconded by Councilman Distefano,  
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.  
M-1-97, BITUMINOUS PAVEMENT MILLING TO C.W. MATTHEWS  
CONTRACTING COMPANY, INC., FOR THEIR LOW BID IN THE  
AMOUNT OF FORTY-NINE THOUSAND, EIGHT HUNDRED DOLLARS  
(\$49,800.00)  
was adopted.

CONTRACT: C.W. MATTHEWS  
CONTRACTING COMPANY, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.  
P-1-97, BITUMINOUS PAVEMENT RESURFACING, TO C.W.  
MATTHEWS CONTRACTING COMPANY, INC., FOR THEIR LOW BID  
IN THE AMOUNT OF ONE MILLION, NINE HUNDRED FIFTY  
THOUSAND, TWO HUNDRED DOLLARS (\$1,950,200.00)  
was adopted; **Councilman Swafford abstained.**\* (\*-Later in the meeting  
Councilman Swafford asked that the record reflect his abstaining on  
this matter.)

CONTRACT AMENDMENT: W & O  
CONSTRUCTION COMPANY

On motion of Councilman Lively, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT  
WITH W & O CONSTRUCTION COMPANY, RELATIVE TO THE  
CONSTRUCTION OF A REPLACEMENT BRIDGE AT OLD HIXSON PIKE  
OVER NORTH CHICKAMAUGA CREEK, SO AS TO REDUCE THE  
CONTRACT BY ONE HUNDRED FIFTEEN THOUSAND, FORTY-FOUR  
AND 60/100 DOLLARS (\$115,044.60) FOR A REVISED CONTRACT  
TOTAL OF FOUR HUNDRED EIGHTY-TWO THOUSAND, FOUR HUNDRED  
AND 83/100 DOLLARS (\$482,400.83)  
was adopted.

CHANGE ORDERS

On motion of Councilman Swafford, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NOS. 2 AND 3, CONSTRUCTION OF OLD HIXSON PIKE BRIDGE OVER NORTH CHICKAMAUGA CREEK, WITH W & O CONSTRUCTION COMPANY, WHICH CHANGE ORDERS DECREASE AND INCREASE THE CONTRACT AMOUNT BY EIGHT THOUSAND, SEVEN HUNDRED FIFTEEN AND 71/100 DOLLARS (\$8,715.71) AND TWO THOUSAND, FIVE HUNDRED THIRTY-NINE AND 40/100 DOLLARS (\$2,539.40), RESPECTIVELY, FOR A REVISED CONTRACT TOTAL OF FOUR HUNDRED SEVENTY-SIX THOUSAND, TWO HUNDRED TWENTY-FOUR AND 52/100 DOLLARS (\$476,224.52) was adopted.

CONTRACT: VULCAN MATERIALS  
COMPANY

On motion of Councilman Distefano, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH VULCAN MATERIALS COMPANY, RELATIVE TO CONTRACT NO. P-1-96, BITUMINOUS PAVEMENT RESURFACING, SO AS TO INCREASE THE CONTRACT BY FORTY THOUSAND, SEVEN HUNDRED SEVENTY AND 27/100 DOLLARS (\$40,770.27) FOR A REVISED CONTRACT TOTAL OF ONE MILLION, SEVEN HUNDRED NINETY-TWO THOUSAND, NINE HUNDRED NINETY-THREE AND 63/100 DOLLARS (\$1,792,993.63) was adopted.

AGREEMENT: SOIL RESTORATION AND  
RECYCLING, L.I.C.

On motion of Councilman Distefano, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH SOIL RESTORATION AND RECYCLING, L.I.C., RELATIVE TO TREATMENT OF DIESEL FUEL CONTAMINATED SOIL AT THE SUMMIT LANDFILL, FOR A COST NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00) was adopted.

SETTLEMENT AND RELEASE

Admin. Traughber stated sometime ago the Council authorized the city to enter into a lease with GTE Mobilnet relative to a cell tower in the Eastgate area; that there was concern expressed by the Greenway Committee, and we agreed to work with them in terms of establishing a landscaping plan. He stated they have been meeting for about a year and what has been decided is a budget which will allow them to pass on to the city \$8,875 for the landscaping plan. He stated once this is finalized the funds will be made available for the implementation of the plan; that everyone is "on board" with this.

On motion of Councilwoman Rutherford, seconded by Councilman Swafford,

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AND RELEASE WITH GTE MOBILNET OF CHATTANOOGA INCORPORATED RELATIVE TO THE CELL TOWER SITE AT EASTGATE was adopted.

PERSONAL SERVICES CONTRACT:  
CHARLES TINKER

Admin. Traughber stated this resolution needs to be amended to reflect "not to exceed \$10,000."

Councilman Eaves inquired as to the purpose for the contract. Admin. Traughber explained that Mr. Tinker provides some of the services related to the Orchard Knob Urban Renewal project.

City Attorney Nelson amended the resolution in open meeting.

On motion of Councilman Distefano, seconded by Councilman Eaves,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF GENERAL SERVICES TO EXTEND THE PERSONAL SERVICES CONTRACT WITH CHARLES TINKER FROM JANUARY 5, 1997 TO JANUARY 5, 1998, NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) was adopted.

ACCEPTANCE OF FUNDS

On motion of Councilman Swafford, seconded by Councilman Distefano, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT FUNDS, MORE PARTICULARLY DESCRIBED HEREIN, FROM HAMILTON COUNTY TENNESSEE, RELATIVE TO IMPROVEMENTS TO THE CARVER, ST. ELMO AND PINEY WOODS/ALTON PARK RECREATION CENTERS was adopted.

OVERTIME

Overtime for the week ending January 31, 1996 totaled \$70,648.17.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

MICHAEL J. MURPHY -- Military Leave, Laborer II, Plaza Division, effective February 2 - May 28, 1997.

LYDIA P. WILLIAMSON -- new Hire, Recreation Specialist I (to serve as Art Program Coordinator), Pay Grade 8/Step 1, \$19,127.00 annually, effective February 3, 1997.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the following purchases were approved for use by the Parks and Recreation Department:

DEVAN BROWN CONSTRUCTION CO., INC.  
CONTRACT NO. A-1144836

Bid No. 135053, Change Order #1 to Contract originally approved by Council on November 12, 1996.

\$55,600.00 - Original Contract  
1,300.00 - Change Order #1  
\$56,900.00

PURCHASES (Cont'd.)

APEX SUPPLY CO. (Lower and Better Bid)  
REQUISITION NO. 138217

**(PRICE INFORMATION AVAILABLE AND FILED WITH MINUTE MATERIAL)**

PERSONNEL

The following personnel matters were reported for the Public Works Department:

CARLOS A. LOCKLIN -- Employment, Alternate Sanitation Worker I/Laborer I, City-wide Services, Pay Grade 3/Step 1, \$14,026.00 annually, effective January 29, 1997.

TRACY JONES -- Suspension (3 days without pay), Sanitation Worker I, City-wide Services, effective January 27, 28, 30, 1997.

JEROME LANIER -- Suspension (10 working days without pay), Operator, Waste Resources, effective January 27, 28, 31; February, 1, 2, 5, 6, 10, 11, 14, 1997.

DEBBIE DAVIS -- Return from Maternity Leave, Secretary, Waste Resources, effective January 13, 1997.

PERSONNEL

On motion of Councilman Swafford, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department:

WASTE MANAGEMENT (Lower and Better Bid)  
REQUISITION NO. 137331

Purchase of 12 months Contract for Front-End Loader Garbage and Refuse Pick-Up Service

**(PRICE INFORMATION AVAILABLE AND FILED WITH MINUTE MATERIAL)**

NOLAND CO. (Lower and Better Bid)  
REQUISITION NO. 137128

Purchase of Twelve Month Agreements Contract for Oil Dri

\$2.52/50 lb. bag

PURCHASES (Cont'd.)

U.S. FILTER/ENVIREX, INC. (Lower and Better Bid)  
REQUISITION NO. 137097

Purchase of Miscellaneous Repair Parts

\$79,272.00

MOTOROLA, INC. (Single Source)  
REQUISITION NO. 137148

Purchase of Telemetry System Upgrade and Trunked Radios per TCA  
6-56-301

\$731,874.61

MOTOROLA, INC. (Single Source)  
REQUISITION NO. 137149, 137150, 137151

Purchase of System Upgrades per TCA 6-56-301

\$54,340.37 (#137149)  
25,625.00 (#137150)  
25,625.00 (#137151)

PERSONNEL

The following personnel matters were reported for the Safety  
Department:

DANIEL A. JACKSON -- Resignation, Private, Police Department,  
effective February 10, 1997.

MARA A. EAVES -- Resignation, School Patrol Officer, Police  
Department, effective January 30, 1997.

JOHNNY L. WHITE -- Rehire, School Patrol Officer, Police Department,  
\$20.27 daily, effective February 4, 1997.

BOARD APPOINTMENTS

On motion of Councilman Lively, seconded by Councilman Distefano, the following Board appointments were approved:

---**TREE ADVISORY COMMISSION:**

Reappointment of **CLIFF BETTS** and **LEROY PARKS** for terms to expire March 5, 2001.

---**HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION:**

Appointment of **RICK LANESE** for a term to expire July 28, 1999.

---**CARTER STREET CORPORATION:**

Reappointment of **CURTIS JOHNSON** for a term to expire December 2, 2000.

---**AIR POLLUTION CONTROL BUREAU:**

Reappointment of **JAMES L. BELL, JR.** for a term to expire May 15, 2000.

COMMITTEES

Councilwoman Rutherford stated the Safety Committee met earlier to discuss a possible fee that Pawn Shops would pay; that there will be a technical meeting between the necessary parties, and the matter will be discussed again in a few weeks. She stated there are no future meeting plans at this point.

Councilman Swafford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, February 18 at 5 p.m.** to discuss the Memorial Auditorium Board.

HIGHWAY 27 RAMP INQUIRY

Councilman Distefano stated he was driving into town and noticed someone has placed some type of placard or reflective sign that led to Highway 27; that he does not think that would be a legal use of those items. He inquired as to who would be responsible for checking this out. Admin. Marcellis responded it would be the responsibility of the Tennessee Department of Transportation.

CANCELLATION OF MARCH 4 COUNCIL  
MEETING

On motion of Councilman Pierce, seconded by Councilman Eaves the Council meeting of Tuesday, March 4, 1997 was canceled due to city elections; the motion passed.

RUN-OFF ELECTION DAY

Chairman Hakeem indicated at this time no action will be taken with regard to a run-off election; that if there should be a run-off (election), action will be taken at the appropriate time.

JERRY SHORT

Jerry Short addressed the Council regarding the traffic light by the Trade Center where construction is taking place. He stated something needs to be done as cars almost run into each other. He asked that someone look into the matter.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, February 11, 1996 at 6 p.m.

  
CHAIRMAN

  
CLERK OF COUNCIL

(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS  
FILED WITH MINUTE MATERIAL OF THIS DATE)